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8 MySpace, Inc.

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 CV 07 0496GTHK(RCx)

12 MYSPACE, INC., a Delaware
corporation,

Case No.

13 Plaintiff,

COMPLAINT FOR:

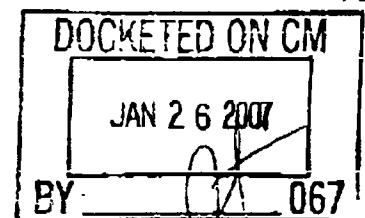
14 vs.

- 15 (1) VIOLATIONS OF THE COMPUTER FRAUD AND ABUSE ACT
- 16 (2) VIOLATIONS OF THE CAN-SPAM ACT
- 17 (3) VIOLATIONS OF THE ELECTRONIC COMMUNICATION PRIVACY ACT
- 18 (4) VIOLATIONS OF CALIFORNIA'S ANTI-SPAM STATUTE
- 19 (5) BREACH OF CONTRACT
- 20 (6) UNFAIR COMPETITION
- 21 (7) TRESPASS TO CHATTELS
- 22 (8) CONVERSION

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16 OPTINREALBIG.COM, LLC, a
Colorado limited liability company,
17 CPA EMPIRE.COM, LLC, a
Colorado limited liability company,
18 MEDIA BREAKAWAY, LLC, a
Nevada limited liability company,
19 and SCOTT RICHTER, MARAT
NIGMATZYANOV, and
20 YEVGENIY LESCHINSKIY, and
DOES 1-10, inclusive, individuals,

21 Defendants.

DEMAND FOR JURY TRIAL



OHS West:260109004.12

COMPLAINT AND DEMAND FOR JURY TRIAL

1 Plaintiff MySpace, Inc. alleges as follows against defendants
2 Optinrealbig.com LLC ("Optinrealbig.com"), CPA Empire.com LLC ("CPA
3 Empire.com"), Media Breakaway LLC ("Media Breakaway") and Scott Richter
4 (collectively, the "Richter Defendants"), Marat Nigmatzyanov, Yevgeniy
5 Leshchinskiy, and Does 1-10, inclusive:

6 **JURISDICTION AND VENUE**

7 1. This is a civil action for violations of the Computer Fraud and Abuse
8 Act, 18 U.S.C. § 1030, the CAN-SPAM Act, 15 U.S.C. § 7701 *et seq.*, the
9 Electronic Communication Privacy Act, 18 U.S.C. § 2701 *et seq.*, and California's
10 Anti-Spam statute, California Business and Professions Code § 17529 *et seq.*,
11 breach of contract, unfair competition under California Business and Professions
12 Code § 17200 *et seq.* and the common law, trespass to chattels, and conversion.
13 The Court has jurisdiction over the Computer Fraud and Abuse Act, CAN-SPAM
14 Act, and Electronic Communication Privacy Act claims under 28 U.S.C. § 1331.
15 The Court has supplemental jurisdiction over the remaining claims under 28 U.S.C.
16 § 1367.

17 2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c).

18 **PARTIES**

19 3. Plaintiff MySpace is a corporation organized under the laws of the
20 State of Delaware, with its principal place of business in Beverly Hills, California.

21 4. Defendant Scott Richter is a self-described "high volume e-mail
22 deployer" and the principal of a number of companies that specialize in spamming,
23 including Optinrealbig.com and CPA Empire.com, both Colorado limited liability
24 companies, and Media Breakaway, a Nevada limited liability company.

25 Nigmatzyanov and Leshchinskiy are individuals believed to be residents of
26 Maryland who carried out certain of the tortious acts described in this Complaint at
27 Richter's behest. Does 1-10, inclusive, also carried out certain of the tortious acts
28 described in this Complaint at Richter's behest. On information and belief, each

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